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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,231

01/28/2004

Patrick Joseph Derks

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EXAMINER

RIAD, AMINE

ART UNIT

PAPER NUMBER

2113

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,231

Applicant(s)

DERKS ET AL.

Examiner

Amine Riad

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,10,11,17,18 and 24 is/are rejected.
- 7) ☐ Claim(s) 2-9,12-16 and 19-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) **AR**
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) **AR**
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2113

Detailed Action

Claims 1-24 have been presented for examination.

Claims 1,10,11,17,18, and 24 have been rejected.

Claims 2-9,12-16, and 19-23 have been objected to.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-17 are not limited to tangible embodiments, in view of applicant's disclosure.

Specification page 5, lines 4-6 "Communication media typically embodies computer readable instructions, data structures, program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media", the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., memory devices) and intangible embodiments (e.g., electrical or optical signals) as such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2113

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,10,11,17,18, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Avinash et al. US Patent 7,050,615.

In regard to claims 1,11, and 18

Avanish discloses a computer-implemented method for masking dynamic regions of a user interface for determining differences in the user interface, [Examiner considers items 43 (host computer and display) of Figure 2 as a user interface] comprising:

- generating a mask for a first snapshot of the user interface, wherein the mask corresponds to a set of coordinates within the first snapshot; (Column 2; lines 1-2 [Examiner considers isolating one region of the image as masking that region of the image])
- associating the mask with a set of snapshots according to a snapshot key, wherein the set of snapshots includes the first snapshot; (Column 2; line 3 [Examiner considers adapting the segmentation module to isolate at least one region of interest of the first and second image as associating the mask the first, and second image considered in this case as a snapshot])
- applying the mask to the set of snapshots such that the area of each snapshot that corresponds to the coordinates of the mask is ignored when the first snapshot is compared with another snapshot of the set of snapshots. (Column 2; lines 9-13)

Art Unit: 2113

In regard to claims 10, 17, and 24

Avanish discloses the computer-implemented method of claim 1, wherein the snapshot key is produced from a selectable combination of the information included in a file related to the first snapshot.(column 3; lines 39-43 "the segmentation module 44 receives the two images s1 and s2, from the acquisition storage module 40and through automated or manual operation in the user interface 29 or operator console 28, isolates regions of interest between the two images"[Examiner considers since the isolation operation is automated or manual it inherently contains data to implement the masking where the key is stored in a file])

Allowable Subject Matter

Claims 2-9,12-16,19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S Patent Application 2006/0277520 teaches most of the limitations, but lacks the masking element, additionally U.S. patent 5,974,254 test for differences between GUI, but lacks an important element that is masking. See PTO 892

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR
Amine Riad
Patent Examiner
1/10/2007

Application/Control Number: 10/767,231
Art Unit: 2113

Page 6

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